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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,475	04/21/2006	Timothy Hugh Norman	RED-70	1202
20311 7590 11/25/2008 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016				
EXAMINER				
STERLING, AMY JO				
ART UNIT		PAPER NUMBER		
3632				
MAIL DATE		DELIVERY MODE		
11/25/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/595,475

**Applicant(s)**

NORMAN, TIMOTHY HUGH

**Examiner**

AMY J. STERLING

**Art Unit**

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16 and 18-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16 and 18-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This is a non-final Office Action for application number 10/595,475 UNIVERSAL MOUNTING FOR A VEHICLE REAR VIEW MIRROR, filed on 4/21/06. Claims 16 and 18-29 are pending. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/3/08 has been entered.

### ***Claim Rejections - 35 USC § 103***

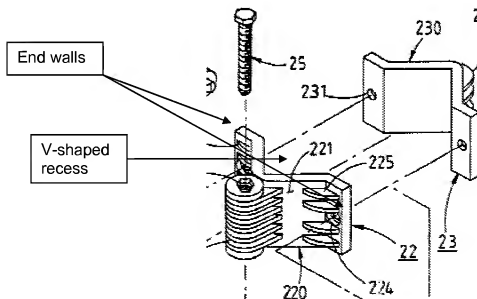
Claims 16 and 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 5106177 to Dolasia and in view of United States Patent No. 6527240 to Huang and further in view of United States Patent No. 6719255 to Chen.

Dolasia teaches a rear view mirror (21) having a mirror mounting arm (13) attached thereto, the rear view mirror having a reflector and a back, a universal mounting (10) connected to the back for connecting the rear view mirror to a mirror arm

with a cross section shape selected from a polygon; the mounting having a mirror arm engaging surface (11) which comprises an open recess.

Dolasia does not teach the specifics of the mount.

Huang teaches a mount which could be used to mount the mirror device of Dolasia including a mount (22) having an open recess and parallel end walls (See Below) and a planar base (220) which extends between the end walls; the base is perpendicular to the parallel end walls and having a V-shaped recess (See Below) in the base, where the width of the V-shaped recess is less than the width of the base, such that a flat section of the base remains on each side of the V- shaped recess, the V-shaped recess having two surfaces which are angled at  $120^\circ$  to each other and extend up to the base; and clamp means (25) provided on the mounting which engage the mirror arm (21) and clamp the mirror arm to the mirror arm engaging surface.



Huang also teaches a means for securing (230) the mounting to a rear view mirror and in which the clamping means comprise a cap (234), the internal dimensions of which are greater than the mounting so that the cap can be placed over the mounting and a pair of fasteners (29) passed through the cap and into sockets provided in the mounting, wherein the cap is provided with a mirror arm engaging surface comprising a substantially V shaped recess.

Huang could be used to clamp the mirror of Dolasia to the desired surface, the mounting of a mirror which was well known in the art at the time of the invention and therefore the mount as taught by Huang is obvious.

It would also have been obvious to one of ordinary skill in the art to have made the mount adapted to engage a mounting surface of any dimension including a diameter of between 16mm and 28mm so that the mirror arm does not contact the base, or wherein the cap is about 28mm wide, the configuration used in order to support the device in the manner desired, the dimension being a design choice which would be obvious to optimize. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings of Huang to have optimized the dimensions of the device including because these dimensions are predictable. (See KSR v. Teleflex, 550 U.S., 127 S. Ct. 1727 (2007)).

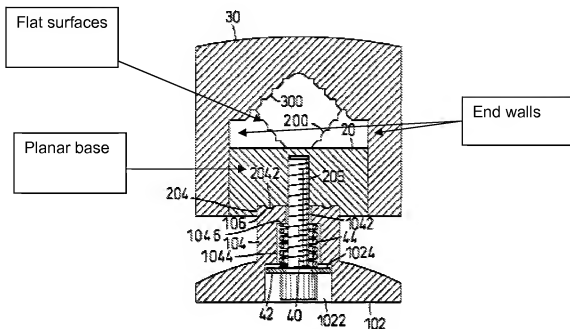
Dolasia and Huang teach the basic inventive concept as shown above. Dolasia also teaches where the mounting is releasably attachable to the rear view mirror and the clamping means comprise a central fastener (15) which passes through an aperture provided on the mirror arm with which it is to be used and provided in the base of the

mounting and through an aperture provided in the back of the rear view mirror, which it is attached by securing means.

Huang teaches that the arms are of square cross-section and substantially flat mirror arm engaging surface and a hand grip portion (225), that the engaging surface has a substantially rectangular shaped recess and a planar base which extends between parallel opposing end walls on the long sides of the recess and a wherein the V-shaped recess is less than the width of the base.

Dolasi and Huang do not teach where the V or U-shaped recess in the cap is provided with re-entrant cut-outs to engage the corners of polygonal cross-section arms or where the fastener is in the form of a bolt which is provided with a socket in its head adapted to receive the secured fastener of an outer clamping member or where the flat section of the base remains on each side of the V-shaped recess.

Chen teaches a clamping device with a V-shaped recess which has a cap (32) and with re-entrant cut-outs (300), used in order to be able to clamp the desired shape more securely and a fastener (46) is in the form of a bolt which is provided with a socket in its head adapted to receive the secured fastener of an outer clamping member and to allow release by a suitable tool. Chen also teaches where the flat section of the base remains on each side of the V-shaped recess (See Drawing).



Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made from the teachings Chen to have used the shape of the fastening clamp as desired in order to more securely fasten the desired shaped item.

### ***Response to Arguments***

The rejection of claim 17 now integrated into claim 16 has been clarified by the marked drawing above. First a square is a rectangle so the long sides of the rectangle could be in any direction of the recess. Secondly, the recess has a planar base which extends between opposing end walls (See above). So the V-shaped recess is less than the width of the base such that a flat section remains on each side of the V-shaped recess (See above).

***Conclusion***

Any inquiry concerning this communication should be directed to Amy J. Sterling at telephone number 571-272-6823 or to Supervisor Allen Shriver at 571-272-6698 if the examiner cannot be reached. The examiner can normally be reached (M-F 8 a.m.-5:00 p.m.). The fax machine number for the Technology center is 571-273-8300 (formal amendments) or 571-273-6823 (informal amendments only). Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist at 571-272-3600.

/Amy J. Sterling/  
Primary Examiner  
11/25/08